

### **REMARKS**

Claims 1-5 and 7-23 are pending in this application. No new matter has been entered in this response.

### **DOUBLE PATENTING**

Claims 1-5 and 7-23 remain provisionally rejected for obviousness-type double patenting over claims 1-20 of co-pending U.S. Patent Application Serial No. 10/615,388. Although Applicants filed a Terminal Disclaimer obviating the double patenting rejection of claims 1-7, 11-17 and 21-23 over U.S. Patent No. 6,857,594 (hereinafter "the '594 patent"), limiting the term to any patent issuing from the instant application to the term of the '594 patent, Applicants did not file the requisite Terminal Disclaimer for the aforementioned co-pending application. In the Action, the Terminal Disclaimer filed by Applicants was rejected, presumably for this sole deficiency.

Applicants' thank the Examiner for not requiring a further fee for submitting further a Terminal Disclaimer and for explaining to Applicants' representative the reason for the rejection – recent rule changes requiring discrete particular language for terminal disclaimers of pending applications and issued patents.

Attached with this response are two Terminal Disclaimers limiting the term of any patent issuing from the instant application to the term of U.S. Patent No. 6,857,594 (PTO form PTO/SB/26) and any patent issuing from U.S. Patent Application No. 10/615,388 (PTO form PTO/SB/25)

Applicants thank the Examiner for his indication of allowability of the subject claims, and for resolution of the terminal disclaimer issue. As noted in the prior response, Applicants have incorporated allowed features into the independent claims, making the claims allowable over the art of record.

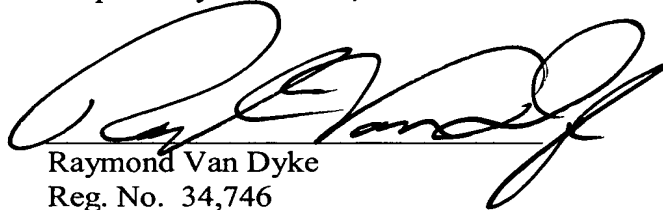
In view of the submission of the instant Terminal Disclaimers, one for the issued patent and the other for the co-pending application, on the respective forms therefor, Applicants respectfully submit that the provisional obvious-type double patenting rejection of the claims have been overcome. Accordingly, Applicants respectfully request the reconsideration and withdrawal of the provisional rejection of the claims for double patenting.

Applicants are also submitting herewith an Information Disclosure Statement, citing references recently uncovered in a corresponding foreign application. Applicants respectfully submit that these references are at best duplicative of references already cited by the Examiner, and are submitted herewith for inclusion in the file.

Applicants respectfully submit that the claims are believed to be patentable, and a prompt issuance of a Notice of Allowance and Issue Fee Due is hereby earnestly solicited.

The Commissioner is authorized to charge any overage or shortage of fees connected with filing of this Amendment to Deposit Account No. 19-2380 (740165-000353).

Respectfully submitted,



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Attachments: Terminal Disclaimer PTO/SB/26  
Terminal Disclaimer PTO/SB/25  
Information Disclosure Statement; PTO-1449 w/ 5 reference